

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

IRIS POUNDS, CARLTON	)	
MILLER, VILAYUAN SAYAPHET-	)	
TYLER, RHONDA HALL and	)	
PIA TOWNES, on behalf of	)	
themselves and all others	)	
similarly situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 1:16-CV-1395
	)	
PORTFOLIO	)	
RECOVERY ASSOCIATES, LLC,	)	
	)	
Defendant.	)	
	)	

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**MOTION TO REMAND**

Plaintiffs move, pursuant to 28 U.S.C. § 1447(c), that this case be remanded to the Superior Court of Durham County.

As grounds for this motion, plaintiffs respectfully show that this Court does not have subject matter jurisdiction over plaintiffs' claims because these claims seek to have state-court default judgments vacated and seek the recovery of monetary relief claimed to be due because of the state-court default judgments. These are not claims that are within federal district court subject matter

jurisdiction. *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280 (2005) (discussing "Rooker-Feldman" doctrine). Because this Court lacks jurisdiction, the case must be remanded. See section 1447(c) ("If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.").

In further explanation of the grounds for this motion, plaintiffs rely on the arguments and authorities set out in the brief submitted with this motion.

This, the 20th day of December, 2016.

/s/ Carlene McNulty  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that opposing counsel in this case are registered as Filing Users of the Electronic Filing System maintained by this Court, and that electronic transmission of this document to the Electronic Filing System with transmission of the Notice of Electronic Filing therefore constitutes service of the filed document pursuant to MDNC Local Rule of Civil Practice 5.3(b)(2).

This, the 20th day of December, 2016.

/s/ Carlene McNulty  
Carlene McNulty